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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Venezuela:* draft resolution

Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and all other resolutions on this matter,

Recalling also its resolution 56/266 of 27 March 2002 which, in particular, endorsed the Durban Declaration and Programme of Action[1] adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, as constituting a solid foundation for further action and initiatives towards the total elimination of all the scourges of racism,

Recalling further its resolutions 56/265 and 56/267, of 27 March 2002, entitled "Third Decade to Combat Racism and Racial Discrimination" and "Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance", respectively,

Welcoming with appreciation Commission on Human Rights resolution 2002/68 of 25 April 2002,[2] subsequently endorsed by Economic and Social Council resolution 2002/270 of 25 July 2002, entitled "Racism, racial discrimination, xenophobia and related intolerance",[3] and also endorsing all the mechanisms

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12, chap. I.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] See *Official Records of the Economic and Social Council, 2002, Supplement No. 1* (E/2002/99).

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envisaged in this resolution for the effective implementation of the Durban Declaration and Programme of Action,

Welcoming also the report of the Secretary-General on the implementation of the programme of action for the Third Decade to Combat Racism and Racial Discrimination and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[4]

Welcoming further the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by the former Special Rapporteur of the Commission on Human Rights,[5]

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination, and its conviction that racism and racial discrimination, in all their forms and manifestations, constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[6]

Reaffirming also its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Stressing the need to maintain continued political will and momentum at the national, regional and international levels in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Recognizing that the successful implementation of the Durban Declaration and Programme of Action requires political will and commitment, adequate funding at the national, regional and international levels, and international cooperation,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination[7] concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[8] which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and

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[4] A/57/83.

[5] A/57/204.

[6] Resolution 217 A (III).

[7] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII.

[8] Resolution 2106 A (XX), annex.

expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

Underlining the importance of urgently eliminating continued and violent trends of racism, racial discrimination, xenophobia and related intolerance, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Acknowledging that slavery and the slave trade, including the transatlantic slave trade, are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and recognizing that colonialism has led to racism, racial discrimination, xenophobia and related intolerance,

Acknowledging also that lessons learned from history are vital in averting future tragedies, and taking into account the duty to remember and to promote dialogue and understanding among peoples and cultures,

Welcoming United Nations Educational, Scientific and Cultural Organization resolution 31C/28 of 2 November 2001, entitled "Proclamation of 2004 as International Year to Commemorate the Struggle against Slavery and its Abolition",[10] a year that will also mark the two-hundredth anniversary of the first State, Haiti, which had been created in the wake of the overthrow of the slave system,

I
General

1. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

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[9] Resolution 45/158, annex.

[10] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1: *Resolutions*, sect. V.

2. *Expresses* its profound concern about and its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

4. *Reaffirms also* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and manifestations;

5. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

6. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism and xenophobia, and calls upon those that have not yet done so to consider including in their legislation racist and xenophobic motivation as an aggravating factor for the purposes of sentencing;

7. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards on freedom of expression, and taking all necessary measures to guarantee the right to freedom of opinion and expression;

9. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

10. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

II
International Convention on the Elimination of All Forms of Racial Discrimination

11. *Urges* States that have not yet done so to accede to or ratify the International Convention on the Elimination of All Forms of Racial Discrimination[8] as a matter of urgency, with a view to universal ratification by the year 2005;

12. *Also urges* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

13. *Further urges* States parties to withdraw all reservations contrary to the object and purpose of the Convention;

14. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

15. *Urges* all States parties to the Convention to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[6] and to article 5 of the Convention;

16. *Recalls* with interest general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination on article 4 of the Convention,[7] in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

17. *Welcomes* general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination on Racial Discrimination,[11] emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

18. *Endorses* Economic and Social Council resolution 2002/270,[3] by which the Council approved Commission on Human Rights resolution 2002/68,[2] and supports the mechanisms provided in the Economic and Social Council resolution for the effective implementation of the Durban Declaration and Programme of Action at the national, regional and international levels;

19. *Recommends*, in this context, that the following actions be undertaken in order to give further impetus to the process of implementing the commitments contained in the Durban Declaration and Programme of Action:

(a) That the Intergovernmental Working Group established pursuant to paragraph 7 of Commission on Human Rights resolution 2002/68 convene its inaugural session before the fifty-ninth session of the Commission on Human Rights and should, thereafter, convene annual intersessional meetings aimed at the accomplishment of its mandate;

(b) That the Working Group referred to above present its initial report to the Commission on Human Rights at its fifty-ninth session;

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[11] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

(c) That Member States, as well as non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international financial and development institutions, and specialized agencies, programmes and funds of the United Nations should participate in the proceedings of and collaborate with the Intergovernmental Working Group by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

20. *Requests* the Secretary-General to appoint, as a matter of priority, the five independent eminent experts, pursuant to paragraph 191 (b) of the Durban Programme of Action, whose terms of reference have been elaborated in paragraph 11 of Commission on Human Rights resolution 2002/68;

21. *Welcomes* the nominations by most regional groups of their experts for the Working Group on People of African Descent, and urges the regional groups which have not yet done so to nominate their candidates as a matter of urgency;

22. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

23. *Calls upon* States to contribute generously to the Voluntary Fund established by Economic and Social Council resolution 2002/270 in order to enable the Office of the United Nations High Commissioner for Human Rights to accomplish the objectives of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group on People of African Descent, and the anti-discrimination unit;

24. *Urges* the Commission on Human Rights to ensure overall coherence in the implementation of the Durban Declaration and Programme of Action and to give guidance to the Office of the United Nations High Commissioner for Human Rights, including its anti-discrimination unit, in their activities and programmes;

25. *Calls* for close collaboration between the Office of the United Nations High Commissioner for Human Rights, in particular the anti-discrimination unit, and Member States as well as all other relevant stakeholders when initiating activities aimed at the effective implementation of the Durban Declaration and Programme of Action;

26. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow up the Durban Declaration and Programme of Action;

27. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the Conference and to reflect progress in this regard in their reports;

28. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the Durban Declaration and Programme of Action in the discharge of their respective mandates;

29. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

30. *Decides* to proclaim 2004 the International Year to Commemorate the Struggle against Slavery and its Abolition, bearing in mind United Nations Educational, Scientific and Cultural Organization resolution 31C/28;[10]

IV
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and coordination of activities

31. *Requests* the Secretary-General to prepare, through the Office of the United Nations High Commissioner for Human Rights, an analytical report on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to be submitted to the General Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session;

32. *Requests* the Commission on Human Rights to undertake, at its fifty-ninth session, a detailed review of the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003, based on the findings of the report referred to in the preceding paragraph, and to transmit its recommendations to the General Assembly at its fifty-eighth session;

33. *Notes* with great concern that, despite many efforts at the international level, the objectives of the Programme of Action of the Third Decade have largely not been achieved;

34. *Reaffirms* that more concrete efforts at the international level are needed to achieve the objectives of the Programme of Action for the Third Decade;

35. *Requests* the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources, including from the regular budget, to finance the activities of the Programme of Action;

36. *Strongly appeals* to all Member States, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

37. *Calls upon* all Member States, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade;

V

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

38. *Welcomes* the report of the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and expresses its full appreciation for the work carried out by him;[4]

39. *Endorses* the renewal of the mandate of the Special Rapporteur for three years to ensure that his activities are directed towards the practical implementation of the Durban Declaration and Programme of Action and, in this regard, welcomes the appointment of the new Special Rapporteur;

40. *Reiterates its call* to all Member States, intergovernmental organizations and relevant organizations of the United Nations, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur;

41. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

42. *Also requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media and to elicit responses from Governments with regard to allegations;

43. *Commends* those States that have invited and received the Special Rapporteur so far, and requests all States to issue standing invitations to the Special Rapporteur to undertake visits to their countries in accordance with his mandate;

44. *Urges* Member States to implement the recommendations contained in the reports of the Special Rapporteur;

45. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the anti-discrimination unit;

46. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

47. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial resources to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

48. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session;

49. *Decides* to remain seized of this important issue in its agenda for the fifty-eighth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".